



U.S. Department of Justice

United States Attorney  
Southern District of New York

The Silvio J. Mollo Building  
One Saint Andrew's Plaza  
New York, New York 10007

February 1, 2020

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**BY ECF**

The Honorable Sidney H. Stein  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

**MEMO ENDORSED**

Re: *United States v. David Smith, 07 Cr. 453 (SHS)*

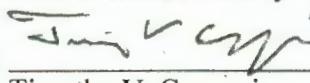
Dear Judge Stein:

The Government respectfully submits this letter on behalf of the parties to update the Court on the status of plea discussions. The parties have made progress but have not yet reached a resolution. The parties respectfully propose that the Government file a letter on or before February 7, 2020, providing the Court another status update.

The Government respectfully requests that the Court exclude the time between today and February 7, 2020, pursuant to the Speedy Trial Act. The ends of justice served by granting such an exclusion outweigh the best interest of the public and the defendant in a speedy trial, pursuant to 18 U.S.C. § 3161(h)(7)(A). An exclusion is warranted in order for the parties to continue their discussions of a potential resolution and for the defendant to continue his review of the discovery. Defense counsel consents to this request.

Respectfully submitted,

GEOFFREY S. BERMAN  
United States Attorney

by:   
Timothy V. Capozzi  
Assistant United States Attorney  
(212) 637-2404

cc: Defense counsel listed on ECF

SO ORDERED 2/3/2020

SIDNEY H. STEIN  
U.S.D.J.